

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM  
&  
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

**THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937**

**OP (FC).No. 579 of 2015 ()**  
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**(AGAINST ORDER DATED 02-12-2015 IN IA Nos.5235/2015 & 5234/2015 IN  
OP 1825/2015 of FAMILY COURT, THRISSUR)**

**PETITIONER:**  
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**PRASANNAKUMARI,  
AGED 51 YEARS, D/O.KRISHNANKUTTY,  
KOZHIPARAMBIL HOUSE  
VALAPPAD VILLAGE, THRISSUR DISTRICT**

**BY ADV. SRI.M.K.DILEEP KUMAR**

**RESPONDENT:**  
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**MOHANDAS  
AGED 58, S/O. SREERAMAN, NEDUMPARAMBIL HOUSE,  
ENGANDIYUR VILLAGE, POST KUNDALIYUR  
THRISSUR DISTRICT PIN 680 001.**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 10-12-  
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS**  
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- EXT.P1 - TRUE COPY OF O.P 1825/15 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, THRISSUR.
- EXT.P2 - TRUE COPY OF I.A 5235/15 FILED BY THE PETITIONER SEEKING ISSUANCE OF COMMISSION.
- EXT.P3 - TRUE COPY OF I.A 5234/15 FILED BY THE PETITIONER SEEKING ATTACHMENT BEFORE THE JUDGMENT.
- EXT.P4 - TRUE COPY OF ORDER DT 02-12-2015 PASSED BY THE FAMILY COURT, THRISSUR IN EXT.P2 COMMISSION APPLICATION.
- EXT.P5 - TRUE COPY OF ORDER DT 02-12-2015 PASSED BY THE FAMILY COURT, THRISSUR IN EXT. P3 ATTACHMENT PETITION.

RESPONDENT'S EXHIBITS

NIL

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.  
&  
MARY JOSEPH, J.**

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**O.P (FC) No. 579 OF 2015**  
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DATED THIS THE 10<sup>th</sup> DAY OF DECEMBER, 2015

**J U D G M E N T**

C.K. Abdul Rehim, J:

In this original petition, which is filed invoking the supervisory jurisdiction vested on this court under Article 227, the petitioner is challenging the orders passed by the Family Court, Thrissur in IA Nos.5235/2015 and 5234/2015 in OP No.1825/2015. The interim applications before the court below were filed along with an original petition instituted by the petitioner herein seeking for return of Articles mentioned in schedule-A, B & C; and on the alternative for directing payment of value equivalent to those Articles.

2. I.A. No.5235/2015 was filed seeking for appointment of an Advocate Commissioner to make an inventory of all the Articles found in the residence of respondent and to hand over those items to the petitioner, which are not objected by the respondent. I.A.

No.5234/2015 is filed seeking for attachment of certain immovable property scheduled thereunder. In both the interim applications the court below had ordered notice to the respondent and posted the applications for consideration, on return of notice, to 14-12-2015. Contention of the petitioner is that, the issuance of notice in those applications will defeat its very purpose and therefore the court below ought to have passed ad interim orders as prayed for.

3. Challenge in the original petition cannot be entertained under the supervisory jurisdiction vested on this court, which is visitorial in nature. The power vested under Article 227 is meant not for interference with all orders or proceedings of the subordinate courts. Unless any grave error of jurisdiction committed by the subordinate court is brought to notice of this court, the power cannot be exercised. The court below can be said to have committed a grave error of jurisdiction only when it passes an order totally without jurisdiction or if such an order is patently in contradiction to any statutory provisions or if it is totally

perverse and unconscionable. In the case at hand, with respect to the two interim applications, whether the relief need to be granted on an ad interim basis is a matter of discretion, to a great extent vested on the court below. If the court below in its judicial wisdom thought it fit to hear the opposite party before passing any orders on such applications, it cannot be said that there is any grave error of jurisdiction committed in passing such an order. Merely because of a contention that issuance of notice may defeat the purpose of the application itself, we do not think that invocation of supervisory power is warranted. The court below is not powerless to grant orders to redress grievance if any, if it is proved that there occurred any change of the existing situation/circumstances, pendente lite.

4. Hence the above original petition fails and the same is hereby dismissed.

Sd/-

**C.K. ABDUL REHIM, JUDGE.**

Sd/-

**MARY JOSEPH, JUDGE.**

AMG

True copy

P.A. to Judge